

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD DEAN YANDELL,

Plaintiff,

v.

SCOTT R. JONES, et al.,

Defendants.

No. 2:21-cv-00469-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT, WITHOUT PREJUDICE, AS
PREMATURE

(Doc. Nos. 25, 35)

Plaintiff Ronald Dean Yandell is a state prisoner appearing *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 16, 2022, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion for summary judgment (Doc. No. 25) be "summarily denied, without prejudice to renewal at a later stage of the proceedings" because discovery in this case has not begun and thus, plaintiff's motion for summary judgment is premature. (Doc. No. 35 at 3–4.) The pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly:

- 5 1. The findings and recommendations issued on November 16, 2022 (Doc. No. 35)
6 are adopted in full;
- 7 2. Plaintiff's motion for summary judgment (Doc. No. 25) is summarily denied,
8 without prejudice, as premature; and
- 9 3. This action is referred back to the assigned magistrate judge for further
10 proceedings.

11 IT IS SO ORDERED.

12 Dated: **January 6, 2023**

13 
14 UNITED STATES DISTRICT JUDGE